

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COUNTY OF BUTLER, et al.,	:	No. 2:20-cv-00677-WSS
	:	
	:	
Plaintiffs,	:	The Hon. William S. Stickman, IV,
	:	District Judge
vs.	:	
	:	
THOMAS W. WOLF, et al.,	:	
	:	
	:	MOTION FOR SPEEDY
Defendants.	:	HEARING OF DECLARATORY
	:	JUDGMENT ACTION
	:	PURSUANT TO RULE 57
	:	
	:	
	:	Thomas W. King, III, Esq. (#21580)
	:	Ronald T. Elliott, Esq. (#71567)
	:	Thomas E. Breth, Esq. (#66350)
	:	Jordan P. Shuber, Esq. (#317823)
	:	Dillon McCandless King Coulter &
	:	Graham, LLP
	:	128 West Cunningham Street
	:	Butler, PA 16001
	:	(724) 283-2200 (Phone)
	:	(724) 283-2298 (Fax)
	:	E-mail: <a href="mailto:tking@dmkcg.com">tking@dmkcg.com</a>
	:	<a href="mailto:relliott@dmkcg.com">relliott@dmkcg.com</a>
	:	<a href="mailto:tbreth@dmkcg.com">tbreth@dmkcg.com</a>
	:	<a href="mailto:jshuber@dmkcg.com">jshuber@dmkcg.com</a>

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COUNTY OF BUTLER, et al.,	:	No. 2:20-cv-00677-WSS
	:	
	:	
Plaintiffs,	:	The Hon. William S. Stickman, IV,
vs.	:	District Judge
	:	
	:	
THOMAS W. WOLF, et al.,	:	
	:	
	:	
Defendants.	:	

MOTION FOR SPEEDY HEARING  
OF DECLARATORY JUDGMENT ACTION PURSUANT TO RULE 57

AND NOW, come Movants (hereinafter “Plaintiffs”), by and through their counsel of record, to file the within Motion requesting this Honorable Court to order a speedy hearing of the Declaratory Judgment Action filed in this case pursuant to Federal Rule of Civil Procedure Rule 57, stating in support thereof as follows:

1. On May 7, 2020, Plaintiffs filed with the Court a Complaint seeking a Declaratory Judgment and other relief. The averments contained in the Complaint are incorporated herein by reference as if fully set forth.
2. Plaintiffs’ Declaratory Judgment Action seeks to have this Court declare Defendants’ March 19, 2020, Orders (hereinafter “Business Shutdown Orders”) and subsequent Business Shutdown Orders in violation of the Constitution of the United States of America, including the First, Fifth and Fourteenth Amendments thereto. The above-referenced Business Shutdown Orders were filed with the Court as Exhibits to Plaintiffs’ Complaint.
3. That the aforesaid Declaratory Judgment Action seeks to have this Honorable Court examine Defendants’ Business Shutdown Orders under the scrutiny of the United States Constitution and the aforesaid Amendments thereto.

4. Rule 57 of the Federal Rules of Civil Procedure grants this Court the authority to order a speedy hearing of the Declaratory Judgment filed in this case.
5. Plaintiffs believe and hereby aver that the issues set forth in the Declaratory Judgment are immediately important and significant to the 12 million citizens of this Commonwealth as they affect their constitutional rights as specifically set forth in the Declaratory Judgment.
6. This case is straightforward and few issues are in dispute with respect to the Business Shutdown Orders and the process or lack thereof undertaken with respect to the issuance or effectuation of said Orders.
7. Plaintiffs aver that very little discovery will be required as the aforesaid Orders are a matter of public record, and Plaintiffs believe that this Honorable Court can draft an appropriate schedule with abbreviated time-lines in order to complete the submission of the Declaratory Judgment Action to the Court for disposition.
8. Plaintiffs believe that a speedy hearing contemplated by Rule 57 is the most expeditious use of the time of this Honorable Court as well as the litigants in this action. Further, Defendants will be represented by the Attorney General of the Commonwealth of Pennsylvania and, as such, the Commonwealth is fully aware of and versed in the actions undertaken by Defendants and able to participate in a speedy hearing without any detriment to the Defendants.
9. This request, pursuant to Rule 57, will likewise avoid the need for Plaintiffs to seek a temporary restraining order or immediate injunction pending this Honorable Court's review of the issues set forth herein and the issuance of an Order with respect to the Declaratory Judgment.

10. Plaintiffs' legal counsel consulted with Defendants' legal counsel and Defendants do not consent or concur with the Motion for Speedy Hearing of Declaratory Judgment Action pursuant to Rule 57.

WHEREFORE, showing the above, Plaintiffs request this Honorable Court to enter an appropriate Order for a speedy hearing of the Declaratory Judgment Action set forth in this Motion.

DILLON McCANDLESS KING COULTER & GRAHAM, LLP

By: s/Thomas W. King, III  
Thomas W. King, III, Esquire (21580)  
Ronald T. Elliott, Esquire (71567)  
Thomas E. Breth, Esquire (66350)  
Jordan P. Shuber, Esquire (317823)  
128 West Cunningham Street  
Butler, PA 16001  
(724) 283-2200 (Phone)  
(724) 283-2298 (Fax)

Email: [tking@dmkcg.com](mailto:tking@dmkcg.com)  
Email: [relliott@dmkcg.com](mailto:relliott@dmkcg.com)  
E-mail: [tbreth@dmkcg.com](mailto:tbreth@dmkcg.com)  
E-mail: [jshuber@dmkcg.com](mailto:jshuber@dmkcg.com)